

Art Unit: 1625

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kellie Fredericks on 8/19/2011.

The application has been amended as follows:

Cancel claims 24-30.

Status of the rejections:-

The rejections under 35 USC 112 2<sup>nd</sup> has been withdrawn as applicants have explained how these residues are attached to the core.

The rejection under 35 USC 102 has also been withdrawn as applicants have to have

"...at least one of R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> must be -G-O(C=O)R<sup>4</sup>, -NHR<sup>6</sup>, -OR<sup>7</sup>, -(C=O)R<sup>4</sup>, -(C=O)-G-O(C=O)R<sup>4</sup>, -(C=O)R<sup>5</sup>, -(C=O)NHR<sup>6</sup> or -(C=O)OR<sup>7</sup>..."

None of these groups would read on an alkoxy.

The rejection under 35 USC 103 over King (GB 1297264), Johnson, et al. (3,790,580), WO9837079, US 6,355,689, US 5,863,931, Pizza, et al., and Vallance has also been withdrawn as the arguments are convincing.

Claim 3-11, 14-16, 18-21 are allowable. The restriction requirement of Group I and Group IV, as set forth in the Office action mailed on 10/28/09, has been reconsidered

Art Unit: 1625

in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Claims 24-30 directed to methods of treating are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Claims 3-11, 14-16, 18-21 are found to be allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA DESAI whose telephone number is (571)272-0684. The examiner can normally be reached on Maxi- flex time..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Andres can be reached on 571-272-0867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rita J. Desai/  
Primary Examiner, Art Unit 1625

August 22, 2011.